

ARKANSAS SUPREME COURT

No. CR 08-635

DOYLE DEWAYNE FRYE
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered August 7, 2008

AMENDED MOTION TO WITHDRAW
AS COUNSEL ON DIRECT APPEAL
[CIRCUIT COURT OF BENTON
COUNTY, CR 2006-1232, HON. DAVID
S. CLINGER, JUDGE]

AMENDED MOTION GRANTED.

PER CURIAM

Doyle Dewayne Frye was found guilty of rape and sentenced as a habitual offender to life imprisonment. An appeal from the judgment has been lodged in this court. Appellant Frye is represented on appeal by Tony Pirani, a full-time public defender. Mr. Pirani now asks that he be permitted to withdraw as counsel on the ground that he is ineligible for compensation for services as appellate counsel.

Act 1370 of 2001, codified as Ark. Code Ann. § 19-4-1604(b)(2)(B) (Supp. 2001), provides that persons employed as full-time public defenders who are *not* provided a state-funded secretary are eligible to seek compensation for appellate work. Counsel here affirms that he is a full-time public defender with a full-time, state-funded secretary. Under these circumstances, he is not entitled to be paid for services in this appeal and his request to be relieved is well founded. *Mishion v. State*, 369 Ark. 482, 255 S.W.3d 868 (2007) (per curiam).

We grant Mr. Parini's motion to withdraw and appoint attorney Greg Knutson to represent appellant. Our clerk is directed to set a new briefing schedule for the appeal.

Motion granted.

IMBER, J., not participating.